

Indonesia

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Freedom of the Press

Although Indonesia's media environment continues to rank among the most vibrant and open in the region, the passage of a law regulating nongovernmental organizations (NGOs)—as well as the enforcement of a 2008 law regulating electronic transactions—posed new challenges to press freedom in 2013.

Constitutional and legal provisions allow for freedom of speech and freedom of the press. However, both the government and private actors sometimes use their power to obstruct these rights. A 2011 Constitutional Court decision to uphold a law prohibiting blasphemy, Article 156a of the criminal code, had negative implications for freedom of expression, as did the judges' apparent endorsement of the government's argument that prohibition of blasphemy is vital to protecting religious harmony. The charge carries a punishment of up to five years in prison.

Defamation is an offense covered by more than 40 provisions of the criminal code. Although the independent Indonesian Press Council, created by the 1999 Law on the Press, is supposed to adjudicate all media disputes according to a 2005 Supreme Court ruling, authorities continue to undermine the council's mandate by bringing defamation charges to the courts. The Alliance of Independent Journalists (AJI) has expressed concern about use of the 2008 Electronic Transaction Information (ITE) Act, in particular, to muzzle internet users with spurious defamation claims. In September 2013, for example, a student at Dian Nuswantoro University in Central Java accepted expulsion under the threat of defamation charges after he criticized the university's administration and tuition fees on his blog.

The 2008 Law on Public Information Transparency provides for the right to freedom of information. It took effect in 2010, but implementation remains flawed. The State Intelligence Law (SIL), passed in October 2011, has been criticized as a serious threat to civil liberties and journalistic freedom. Article 32 authorizes intelligence agencies to intercept communications without prior court approval, while Article 26 prohibits individuals or legal entities from revealing or communicating state secrets, with penalties of up to 10 years in prison and fines exceeding 100 million rupiah (\$10,300). This article is open to misinterpretation and abuse by state officials, as state secrets are not clearly defined and can easily conflict with the Law on Public Information Transparency. AJI joined a number of other NGOs and individuals in filing a challenge to the SIL before the Supreme Court in January 2012, but the court dismissed their claims. The group has raised concerns that the law could be used to rein in journalists and organizations that seek to disseminate information to the wider public, but there was no evidence of this in 2013. A coalition of NGOs also submitted the issue to the UN Human Rights Council during the 2012 Universal Periodic Review of Indonesia.

In June 2013, the parliament passed the Law on Mass Organizations (Ormas Law), which regulates civil society groups and introduces new restrictions on freedom of expression. Under the law, NGOs must apply to the Home Affairs Ministry for special approval to operate. Foreign NGOs are banned from engaging in activities that "disrupt the stability and integrity" of Indonesia or "disrupt diplomatic relations." Even domestic NGOs are barred from engaging in constitutional challenges and activities that appear to call into question the country's founding ideology of Pancasila, which includes the principle of monotheism. Organizations found to be in violation of the new regulations may face suspension or revocation of their permits.

Print media are regulated through the press council, while broadcast media must be licensed by the Ministry of Communication and Information Technology and the Indonesian Broadcasting Commission (KPI). Both the press council and the KPI appear to operate independently for the most part. However, under the 2002 Broadcast Act, local stations are prohibited from disseminating foreign broadcasts, and foreign ownership of broadcast media is banned. The act has drawn criticism for its limits on content and severe penalties for violations, and the government has occasionally used it to restrict broadcasting. Although there are hundreds of community radio stations in Indonesia, the World Association of Community Radio Broadcasters (AMARC) has called for legal reform and equitable distribution of frequencies to promote the growth of community radio in the country, pointing to the slow process of licensing, the lack of proper enabling legislation, and a lack of transparency and fairness in licensing decisions as the major obstacles to the sector's development.

Journalists remain subject to attacks and physical harassment from both the authorities and nonstate actors. In October 2013, four Hong Kong reporters covering an Asia-Pacific Economic Cooperation (APEC) summit in Bali were barred from the meetings and had their press accreditation revoked after they approached Philippine president Benigno Aquino and asked for an apology for his government's handling of a 2010 hostage crisis in Manila that left eight Hong Kong citizens dead. The journalists were later followed by Indonesian authorities and prevented from returning to their hotel on the grounds that it was within the restricted meeting area. They were eventually forced to change hotels. Indonesian authorities defended the heavy-handed response, claiming the reporters were a "security threat."

AJI reported that violence against the press decreased in 2013, with the total number of incidents falling to 40, from 51 in 2012. Many of the cases in 2013 involved harassment and assaults against reporters as they attempted to cover sensitive news stories or protests. In March, Paser TV reporter Normila Sari Wahyuni was attacked in East Kalimantan Province, where she was covering land disputes. She was interviewing a resident involved in one dispute in the village of Rantau Panjang when she was approached by a group of men who attempted to confiscate her camera. They tore her clothes, dragged her, and began kicking her. Wahyuni, who was one month pregnant at the time, suffered a miscarriage after the incident. In June, two reporters covering protests against fuel-price hikes were injured when riot police fired on demonstrators using rubber bullets and tear gas. In one protest in Jambi Province, Trans 7 TV reporter Anton Nugroho was hit in the eye with a rubber bullet, resulting in partial blindness. In another protest on the eastern island of Ternate, Aroby Kilerley of the daily newspaper *Mata Public* was hit by a tear-gas canister. Most murders and serious attacks against journalists are not adequately investigated or prosecuted, leading to a climate of impunity.

Media coverage of the sensitive issue of Papuan separatism and the associated insurgency, which has affected the provinces of Papua and West Papua, tends to draw special scrutiny and restrictions from the government. The Indonesian authorities effectively block foreign media from reporting in the two provinces by restricting access to those with official government approval, which is rarely granted. The few journalists who do get permission are closely monitored by government agents, who control their movements and access to local residents. In July 2013, the foreign minister defended the restrictions on foreign journalists by warning of unnamed "elements in Papua who are keen to gain international attention by doing harm to international personalities including journalists." Domestic media face fewer restrictions, though the documented presence of government informers within the press corps of Papua and West Papua has led to serious concerns about the reliability of news coming from the provinces. According to Human Rights Watch, the military has also financed and trained journalists and bloggers, citing alleged foreign interference in the region, including by the U.S. government. In July, police in Papua confiscated copies of the inaugural issue of *Papua Pelita* magazine and instructed the publisher not to distribute any further copies. The magazine had dedicated its first issue to the Organisasi Papua Merdeka (OPM), or Free Papua Movement, with a cover featuring the separatist flag. The flag is banned in the region, though not elsewhere in Indonesia. AJI-Papua reported that attacks against journalists in Papua and West Papua

increased from 12 in 2012 to 20 in 2013, with police officers responsible for eight of the cases of violence and intimidation recorded by the organization.

In general, the Indonesian public has access to a variety of news sources and perspectives provided by a significant number of private print and broadcast outlets. Television is the most popular medium, and the sector is competitive, with 10 national commercial networks in addition to the state-owned Televisi Republik Indonesia. However, there is ongoing concern about the ability of political parties, large corporations, and powerful individuals to control media content, either indirectly through the threat of lawsuits or directly through ownership, with many major media outlets openly reflecting the political or business interests of their proprietors. A study conducted in late 2011 by the nonprofit groups Hivos Southeast Asia and the Center for Innovation, Policy, and Governance found that nearly all of the 12 most prominent media companies had ties to political parties in some respect. For example, Aburizal Bakrie, a powerful business magnate and chairman of the Golkar party, owns tvOne and ANTV. The rival Media Group, owned by Surya Paloh, founder and patron of the National Democratic Party, includes Metro TV and the newspaper *Media Indonesia*. These 12 companies also own the country's 10 major national television stations and five of the six major newspapers. Although a wide range of privately owned local publications operate across Indonesia's provinces, the print sector is dominated by two media conglomerates, Jawa Pos Group and the Kompas Gramedia Group. As the country prepared for the 2014 presidential election, wealthy politicians and businessmen expanded and consolidated their media empires during 2013.

In 2013, the internet was accessed by 16 percent of the population. There are no government restrictions on access, but the lack of high-speed infrastructure outside major cities limits the medium's use as a news source in rural areas. Social-media sites such as YouTube, Twitter, and Facebook have become extremely popular among users in Indonesia.

Advertising remains a robust source of income for newspapers and television companies, and the shift to online news sources has been slow. Working conditions for Indonesian journalists are poor. According to AJI, media companies do not pay competitive salaries to their employees, which leads many journalists to take second jobs with corporate sponsors or accept bribes for coverage. In June 2013, Bambang Harymurti, a former press council member and publisher of *Tempo* magazine, described bribery as "a rampant problem in Indonesia, especially among the small and regional media," adding that combating it was an "everyday campaign" during his six years on the press council; high levels of corruption in the media mirror a generally high level of corruption in Indonesia as a whole.

2014 Scores

Press Status

Partly Free

Press Freedom Score

(0 = best, 100 = worst)

49

Legal Environment

(0 = best, 30 = worst)

16

Political Environment

(0 = best, 40 = worst)

18

Economic Environment

(0 = best, 30 = worst)

15